

“NOTEBOOK NIGHT” SEMINAR III: DOCUMENT CHECKLIST

Living Will:

- Copies are as good as the originals
- Provide copy to your physician(s)
- Provide copy to your family
- Discuss with your family your wishes as expressed in the Living Will
- Store original in a safe and accessible location

Power of Attorney for Health Care:

- Copies are as good as the originals
- Provide copy to your physician(s)
- Provide copy to your attorney(s)-in-fact
- Store original in a safe and accessible location

Power of Attorney for Financial and Business Affairs:

- Copies are as good as the originals
- No need to record with the Register of Deeds
- Document is recordable, if necessary
- Discuss the existence of the Power of Attorney and where the document is stored with family
- Be aware that the document is usually immediately effective

Last Will and Testament:

- Original should be kept in a fire proof safe or safe deposit box
- Best to probate the original Will, although copy can be probated with much effort
- Typically most current Wills replace previous Wills; therefore, destroy older versions to avoid confusion
- Codicils (or amendments) to Wills act to supplement Wills; therefore, they should be stored with the Will
- A copy of the Will (and any Codicils) may be given to the person(s) named to serve as Executor(s); however, this is not necessary
- Keep copies to a minimum
- Make sure that family and/or named Executor(s) are aware that a Will exists and where it is located

Revocable Living Trust/Declaration of Trust:

- Store original in a fire proof safe or safe deposit box
- Amendments to the Trust should be stored with the Trust Agreement
- Keep the original Trust Agreement, even after the Trust Agreement is amended and restated in its entirety; the Trust always relates back to the date of the original Trust Agreement
- A copy of the Trust Agreement may be given to the person(s) named to serve as Trustee(s); however, this is not necessary
- Use the Declaration of Trust to give to account holders who ask for proof of the Trust's existence
- Store Declaration of Trust in a safe and accessible location

Transfer of Personal Property:

- Transfers personal property to the Trust
- Should be stored with the original Trust Agreement

Deeds:

- Original should be recorded in the county where the property is located
- Store original with your other important papers
- Certified copy of the original is as good as the original

Beneficiary Designation Forms:

- Mail the originals and any supporting documents to the appropriate account managers or policy providers
- Store copies of Designation forms with your other important documents

Irrevocable Life Insurance Trusts:

- Trustee should store the original
- Store copy of the Trust Agreement with your other estate planning documents
- Copies may need to be provided to the policy provider and/or the bank where a Trust account is maintained

Assignments of Beneficial Interest:

- Used to transfer business interests to the Trust
- Management should be notified and a copy of the Assignment should be provided for the company's record books